



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

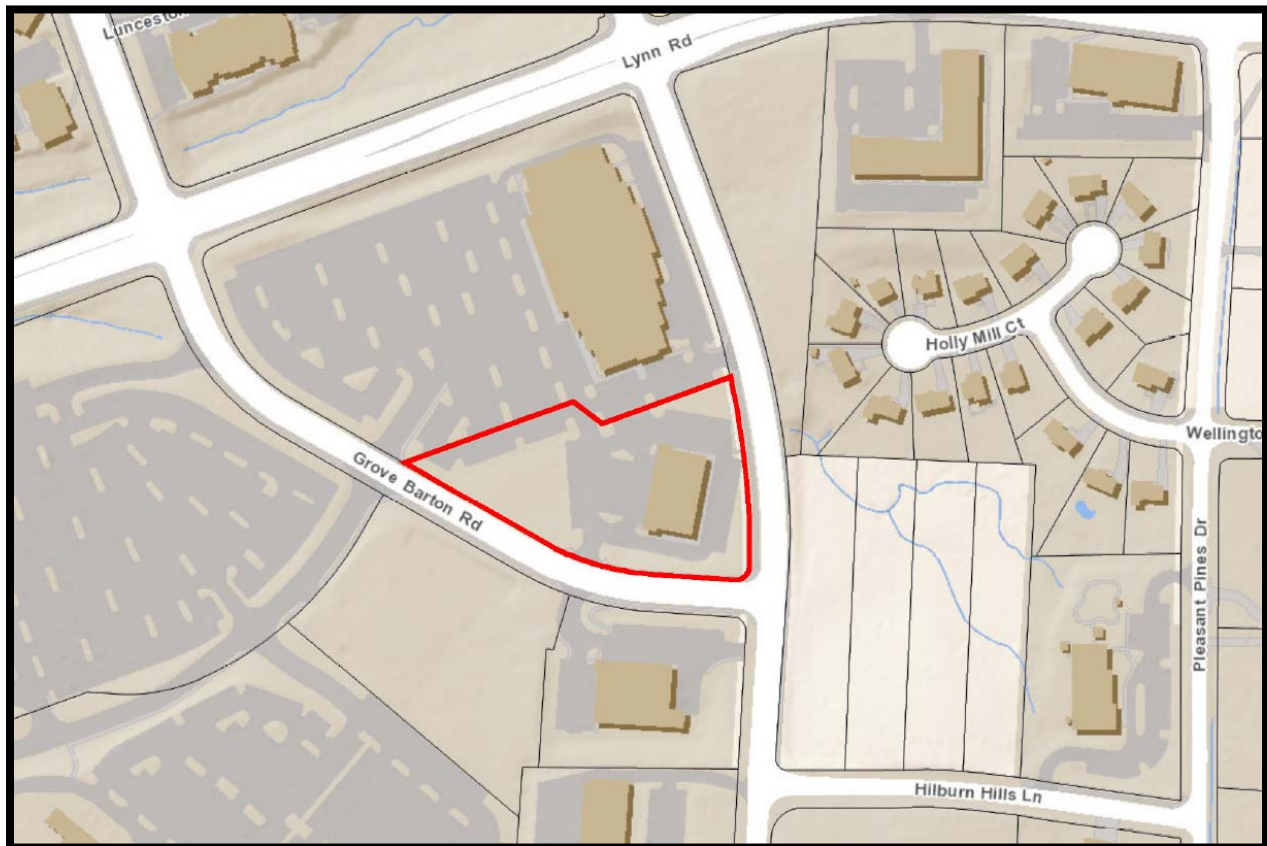
Case File: A-40-17

Property Address: 4800 Grove Barton Road

Property Owner: FNC Grove Barton LLC

Project Contact: Michael Birch

Nature of Case: A request for a variance to the Parkway frontage standards of Section 3.4.3. of the Unified Development Ordinance which require a 50' wide heavily landscaped buffer between the roadway and adjacent development in order to permit a new building and dumpster enclosure within 30' of Grove Barton Road, to permit existing parking areas to remain within the Parkway buffer along Grove Barton Road and to not have to plant the 50' protective yard standard because of the existing and proposed improvements as well as a variance from Section 3.4.2.C.5. in order to permit a site plan for a new building on a property without requiring compliance with the new streetscape requirement. The subject property of this request is a 2.51 acre property zoned Commercial Mixed-Use-3-Parkway and is located at 4800 Grove Barton Road.

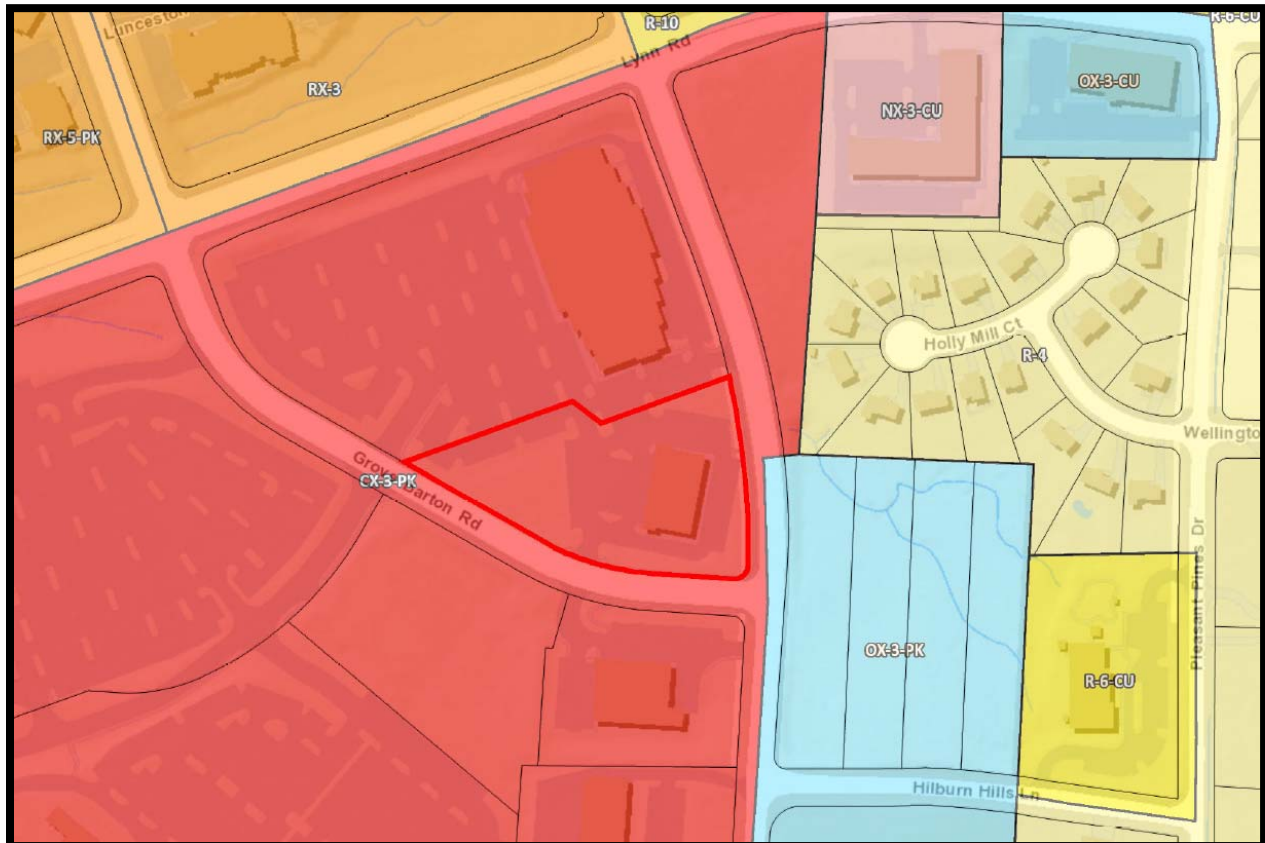


4800 Grove Barton Road – Location Map

To BOA: 3-13-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Commercial Mixed-use-3 Parkway



4800 Grove Barton Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

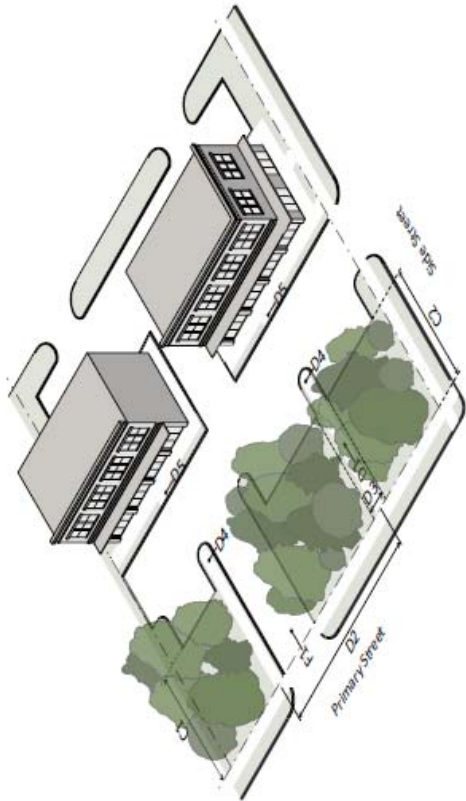
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Commercial Mixed-Use-3-Parkway

Sec. 3.4.3. Parkway (-PK)



A. Description	
Provides for a heavily landscaped buffer between the roadway and adjacent development to ensure a continuous green corridor along the street right-of-way.	
B. Building Types Allowed	
Detached house (see Sec. 3.2.1.)	General building (see Sec. 3.2.5.)
Attached house (see Sec. 3.2.2.)	Mixed use building (see Sec. 3.2.6.)
Townhouse (see Sec. 3.2.3.)	Civic building (see Sec. 3.2.7.)
Apartment (see Sec. 3.2.4.)	Open lot (see Sec. 3.2.8.)
C. Additional Setbacks	
C1 Building setback from primary street (min)	50'
C2 Parking setback from primary street (min)	50'

D. Pedestrian Access	
D1 Pedestrian access required (minimum of 1 per lot)	Yes
D2 Pedestrian access way spacing (max)	300'
D3 Width of pedestrian access way (min/max)	10'/20'
D4 A road or driveway with a sidewalk at least 6 feet in width may substitute for a required pedestrian access way	
D5 Direct pedestrian access is required from the public sidewalk to the primary entrance of the building	
E. Protective Yard Landscaping	
The 50-foot protective yard must be landscaped in accordance with Sec. 5.3.1.F. (SHOD-1 requirements) or Sec. 5.3.1.H. for expansions and additions.	
F. Protective Yard Encroachments	
F1 Driveways	see Sec. 8.3.5.
F2 Ground signs	see Article 7.3.
F3 Pedestrian access way	
G. Streetscape Requirement	
Sidewalk & tree lawn	
	see Sec. 8.5.2.G.

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

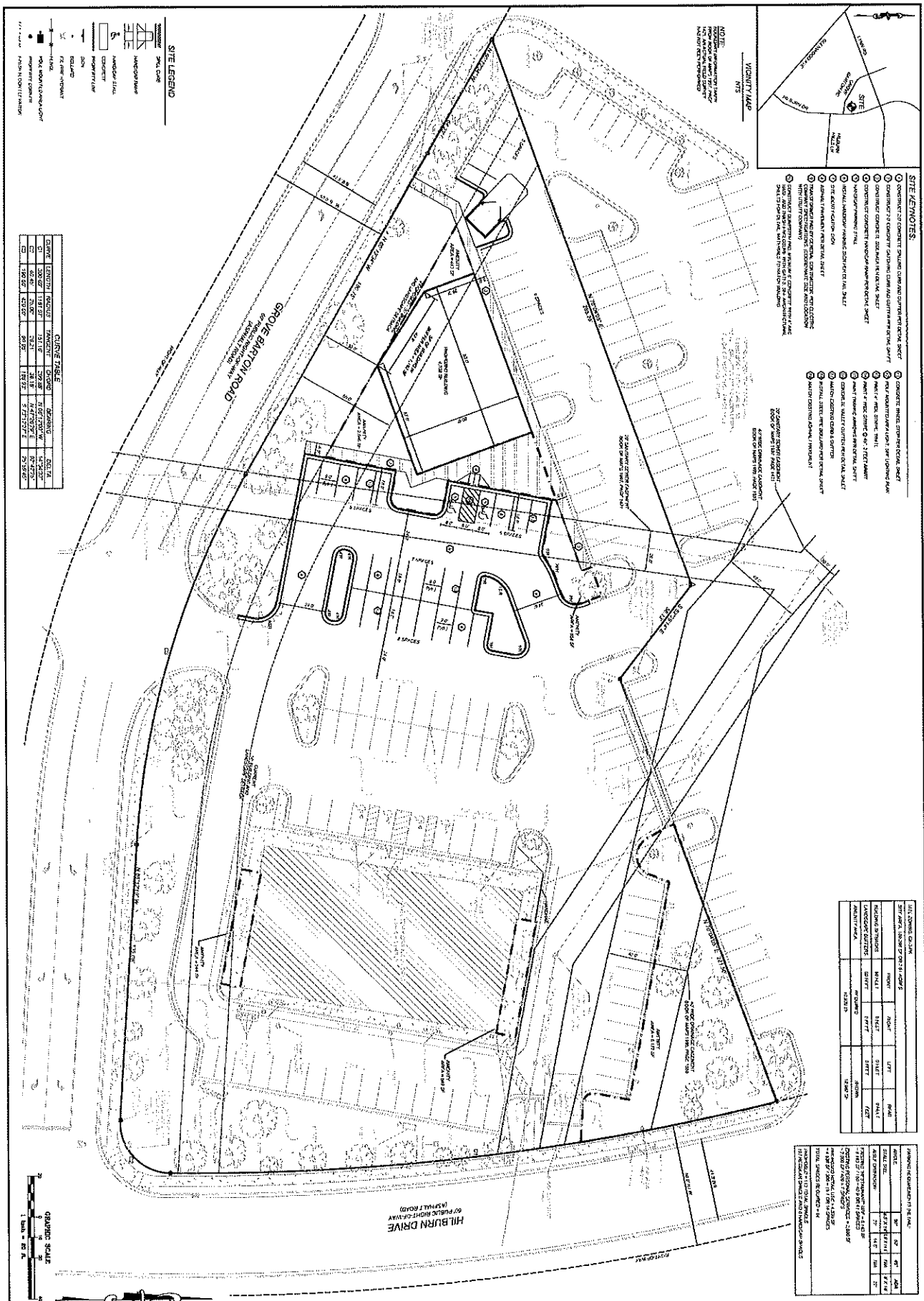
NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached Exhibit A.	Transaction Number A-40-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 4800 Grove Barton Road	Date 2/7/2017	
Property PIN 0787-42-0160	Current Zoning CX-3-PK	
Nearest Intersection Grove Barton Road and Hilburn Drive	Property size (in acres) 2.51 acres	
Property Owner FNC Grove Barton LLC	Phone 646-807-8060	Fax
Owner's Mailing Address 5323 Spring Valley Road, Suite 250, Dallas, TX 75254	Email	
Project Contact Person Michael Birch, Morningstar Law Group	Phone 919.590.0388	Fax
Contact Person's Mailing Address 421 Fayetteville Street, Suite 530, Raleigh, NC 27601	Email mbirch@morningstarlawgroup.com	
Property Owner Signature	Email	
Notary Sworn and subscribed before me this <u>8th</u> day of <u>February</u> , 20 <u>14</u> <u>Donald Bobbitt</u> District of Columbia: SS Subscribed and sworn to before me, in my presence, this <u>8th</u> day of <u>February</u> , 20 <u>14</u> <u>Donald Bobbitt</u> Donald Bobbitt, Notary Public, D.C. My commission expires February 28, 2021.	Notary Signature and Seal DONALD BOBBITT NOTARY PUBLIC DISTRICT OF COLUMBIA My Commission Expires February 28, 2021	

Exhibit A

Petitioner requests the following variances:

1. A variance to the following Parkway frontage standards of UDO section 3.4.3 to permit a new building and associated amenity area on the property as shown on the attached site plan, and to permit the continuance of the existing improvements on the property:
 - a. The 50' building setback of UDO section 3.4.3.C1 to permit a new building and dumpster enclosure with a 30' setback from Grove Barton Road.
 - b. The 50' parking setback of UDO section 3.4.3.C2 to permit existing parking areas within the parking setback along Grove Barton Road.
 - c. The 50' wide protective yard standard of UDO section 3.4.3.E1 to permit the proposed improvements and existing improvements as shown on the site plan.
2. A variance to UDO section 3.4.2.C.5., to permit a new building on a property without requiring compliance with the new streetscape requirement.



UNIT ADDRESS (SCHOOL)					
STREET ADDRESS (HOUSE NO. & STREET)					
BUILDING TYPE/STORY	ROOM	FLOOR	LEFT	RIGHT	
LANDSCAPE/OUTINGS	SECRET	SECRET	SECRET	SECRET	
QUALITY/PRICE	PER SQUARE FT.		SCHOOL		
REMARKS			DATE		

[illegible]

REVISIONS			
NO.	DATE	DESCRIPTION	BY

C-7	SUBJECT:	RETAIL DEVELOPMENT 4800 GROBE BARTON RD RALEIGH, WAKE COUNTY, NORTH CAROLINA
	VARIANCE EXHIBIT / PRELIM SITE PLAN	
	DATE:	06-04-1981
	DRAWN BY:	DAW/MSD/SB

CLIENT:
ORA ARCHITECTURE
19 W. HARGETT STREET
SUITE 600
RALEIGH, NC 27601



**COMMERCIAL
SITE DESIGN**

4001 E. Regal Court, Suite 100
Tucson, AZ 85718-1000
Tel: 520-796-1000 Fax: 520-796-1001

http://www.csd.com
www.csd.com/csd.htm

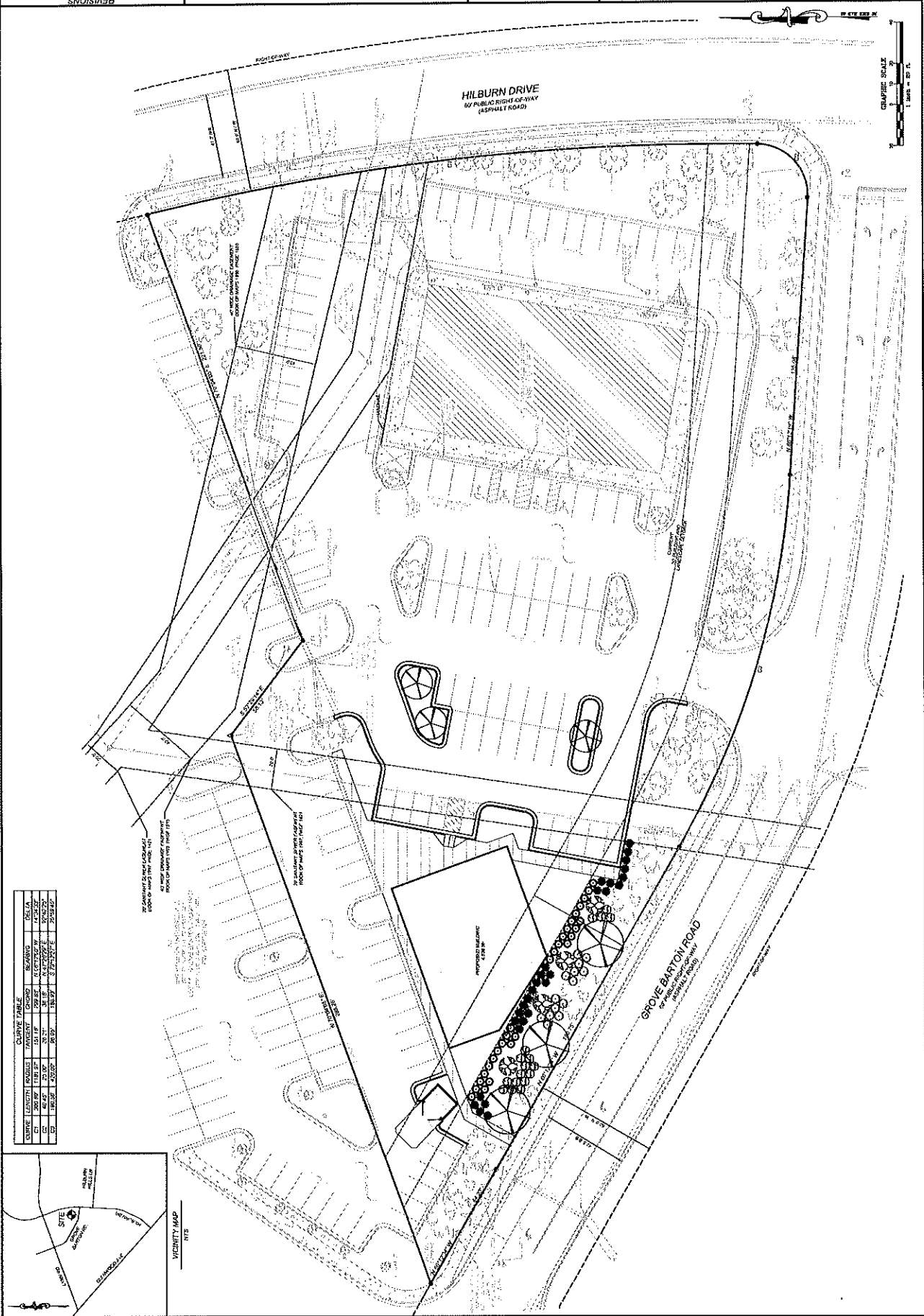
DATE	02-06-2019
BY	11-1-19
CHECKED	02-06-2019
DESIGNED	02-06-2019
PROJECT	02-06-2019

VARIANCE EXHIBIT / LANDSCAPE PLAN
 RETAIL DEVELOPMENT
 4800 GROBE BARTON RD
 RALEIGH, WAKE COUNTY, NORTH CAROLINA

CLIENT:
 ORA ARCHITECTURE
 19 W. HARGETT STREET
 RALEIGH, NC 27601

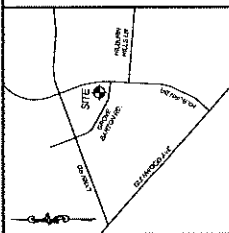
COMMERCIAL
 SITE DESIGN
 1911 S. LEE ST. 100-10-19-01
 4800 GROBE BARTON RD
 RALEIGH, NC 27601

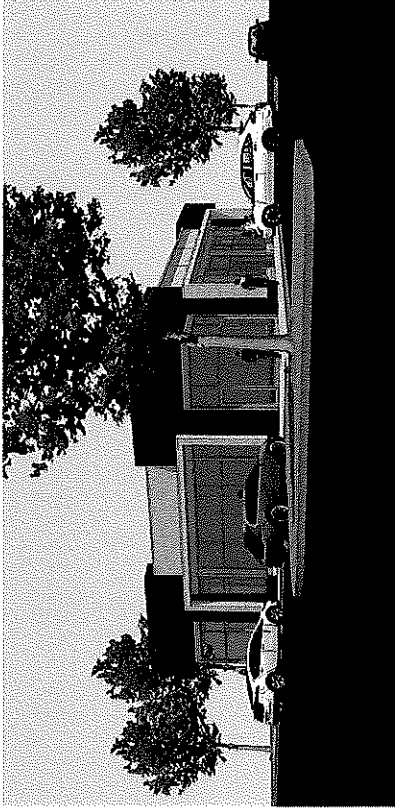
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
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10		



CURVE TABLE

CURVE	LENGTH	BEARING	CHORD	DELTA
C1	200.00'	178.27°	200.00'	180.00°
C2	180.00'	150.00°	180.00'	180.00°
C3	180.00'	150.00°	180.00'	180.00°
C4	180.00'	150.00°	180.00'	180.00°
C5	180.00'	150.00°	180.00'	180.00°
C6	180.00'	150.00°	180.00'	180.00°
C7	180.00'	150.00°	180.00'	180.00°
C8	180.00'	150.00°	180.00'	180.00°
C9	180.00'	150.00°	180.00'	180.00°
C10	180.00'	150.00°	180.00'	180.00°





PERSPECTIVE VIEW 2



PERSPECTIVE VIEW 1



SIDE ELEVATION



FRONT ELEVATION

ORA
ARCHITECTURAL
1871 HANCOCK STREET, SUITE 100
RALEIGH, NC 27601
P: 919.754.8924

GROVE BARTON RETAIL
RALEIGH, NORTH CAROLINA

EXTERIOR ELEVATION / PERSPECTIVE IMAGES

SD A1
DATE: 9/18/2017
PROJECT: 17003

ORA ARCHITECTURAL, INC. IS AN EQUAL OPPORTUNITY FIRM. WE DO NOT DISCRIMINATE ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR ANY OTHER PROTECTED CHARACTERISTICS. WE ARE AN AIA AFFILIATE FIRM.

TARGET CORPORATION
PROPERTY TAX DEPT T 1080
PO BOX 9456
MINNEAPOLIS MN 55440-9456

DWYER HOLDINGS LLC
4821 GROVE BARTON RD
RALEIGH NC 27613-1900

EPT RALEIGH THEATERS INC
909 WALNUT ST STE 200
KANSAS CITY MO 64106-2003

GOODWILL COMMUNITY
FOUNDATION INC
4808 CHIN PAGE RD
DURHAM NC 27703-8476

LYON COMPANY
3939 GLENWOOD AVE STE 166
RALEIGH NC 27612-4739

FNC GROVE BARTON LLC
5323 SPRING VALLEY RD STE 250
DALLAS TX 75254-2497

MRAC-I LLC
PO BOX 97173
RALEIGH NC 27624-7173

LAMOTTE-KERR, CHRISTIAN P
LAMOTTE-KERR, JEANNA
6700 HOLLY MILL CT
RALEIGH NC 27613-3341

KOPPEN, CHRISTOPHER M
6701 HOLLY MILL CT
RALEIGH NC 27613-3341

EVANS, LILIANA S
6704 HOLLY MILL CT
RALEIGH NC 27613-3341

